

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 07-0591 MHP

Plaintiff(s),

**ORDER REVOKING SUPERVISED
RELEASE AND JUDGEMENT**

v.

MICHAEL LEE PINA, Jr,

Defendant(s).

This matter came on pursuant to an Order to Show Cause why supervised release should not be revoked. Defendant appeared in person with his attorney Ned Smock. The United States was represented by Assistant United States Attorney Derek Owens.

The defendant was advised of the following:

1. His right to a hearing on the alleged violations of supervised release;
2. His right to confront and cross-examine witnesses;
3. His right to produce evidence and witnesses at the hearing without cost to him if he could not afford the same;
4. His right to continue to have court appointed counsel represent him throughout the proceedings; and
5. The nature of the revocation proceedings and the consequences if a violation was found and supervised release revoked or modified.

The court finds that defendant was fully advised of his constitutional and statutory rights in connection with these proceedings either as a basis for modification or revocation; that he fully understands the nature of the proceeding and the defenses that he may assert in the proceeding; that he fully understands the consequences of the proceeding; and that he freely and voluntarily waives

1 his right to a hearing, his counsel consenting thereto.

2 The court finds that the defendant has admitted to the violations as alleged in the petition to
3 revoke and that such violations are sufficient cause to revoke supervised release.

4
5 Charge 1: Violation of Standard Condition which states that defendant shall refrain
6 from any unlawful use of a controlled substance, in that on or about July 12,
7 2007, July 18, 2007, July 27, 2007, and August 5, 2007, defendant provided a
8 urine sample for drug screen test which yielded positive results for marijuana.

9
10 Charge 2: Violation of Standard Condition which states the defendant shall not commit
11 another federal, state, or local crime, in that on or about August 14, 2007,
12 defendant was arrested by San Francisco Police Department for assault. On
13 September 25, 2007, defendant was convicted in SF County Superior Court,
14 docket number 2329081 of violations of CPC § 245(A) - Assault with Great
15 Bodily Injury.

16 Based on the foregoing,

17 IT IS ADJUDGED that supervised release is hereby REVOKED, and that defendant is
18 remanded into the custody of the Attorney General or his authorized representative for a term of
19 seven (7) months, to be served consecutive to the state sentence previously imposed. Supervised
20 release is terminated and not reinstated.

21
22 Dated: April 22, 2008


MARILYN HALL PATEL
United States District Court